

Amendments to the Drawings

The attached sheets of drawings includes changes to Figs. 1 and 2. In Fig. 1, reference numeral 11 and its tag line were removed; in Fig. 2, reference numeral 16 and its tag line were removed.

REMARKS

The Applicants request reconsideration of the rejection.

Claims 12-19 are now pending.

The Examiner crossed through the document cited in the Information Disclosure Statement (JP 6-64070), asserting that no concise explanation of the relevance of the document was submitted. In reply, the Applicants note that the Japanese document is discussed in the present specification on page 2. Therefore, the Applicants believe that the requirement of a concise explanation of the relevance of this document has been satisfied. The Applicants thus request the Examiner to initial and return the enclosed copy of the Form PTO-1449 that was originally submitted, with an indication that the document has been considered.

The Examiner objected to the drawings as failing to show a "sample container transfer mechanism" and a "measuring mechanism" as recited in the original claims. The original claims have been canceled without prejudice and the new claims do not contain these terms. Therefore, without admitting to the propriety of the objection, the Applicants request withdrawal.

The Examiner also objected to the drawings as containing reference characters 11 and 16 that are not found in the specification. These reference characters have been removed to avoid confusion.

The Examiner further objected to the specification as failing to provide proper antecedent basis for the previously-claimed "sample container transfer mechanism" and "measuring mechanism". As noted above, these terms no longer appear in the claims, and thus the Applicants request withdrawal of the objection.

Original claims 1-5 under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons set forth on pages 4-6 of the Office Action. In reply, although the Applicants believe that these terms were definite in light of the specification and knowledge of the person of ordinary skill in the art, the claims have been canceled in favor of new claims 12-19, which do not contain the language deemed objectionable and which are believed to be in full compliance with the second paragraph of §112.

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Yamazaki et al., U.S. Patent No. 5,827,479 (Yamazaki) and claims 1-3 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by Weyrauch et al., U.S. Patent No. 5,314,825 (Weyrauch). These claims have been canceled, as noted above, and new claims 12-19 are patentably distinguishable from Yamazaki and Weyrauch, whether taken individually or in combination, for the reasons that follow.

Independent claim 12 recites an automatic analyzer comprising, among other features, a sample container disk, and a sample hand-contact preventing plate arranged to cover a part of the sample container disk so as to cover a sample container positioned at a sample dispensing position at which a sample is dispensed from the sample container, and so as to cover a sample container positioned at an information reading position at which information recorded on an information recording medium attached to the sample container is read when the sample container is positioned at the information reading position.

The sample hand-contact preventing plate has particular utility in protecting against injury to the operator or to a sampling probe caused by potential contact between the two. Neither Yamazaki nor Weyrauch discloses a sample hand-contact

preventing plate arranged to cover a part of a sample container disk so as to cover a sample container positioned at a sample dispensing position, and so as to cover a sample container positioned at an information reading position.

New dependent claim 13 limits the sample hand-contact preventing plate to comprising a portion covering at least one part of a moving locus of a top end of a probe of the sample dispensing mechanism. By this arrangement, the probe is particularly protected from the hand and vice versa. Neither Yamazaki nor Weyrauch suggests this feature of the invention.

New dependent claim 14 requires the sample hand-contact preventing plate to comprise a mechanism for causing the sample hand-contact preventing plate to retreat from a position covering the sample container disk. An advantage of this feature is that the sample disk can be removed or set with respect to the apparatus in its entirety when the sample hand-contact preventing plate is out of the way. Neither Yamazaki nor Weyrauch discloses this feature of the invention.

New dependent claim 15 further requires a detector for detecting the retreat of the sample hand-contact preventing plate from the position covering the sample container disk, and a controller for stopping a dispensing operation of the sample dispensing mechanism when the detector detects the retreat of the sample hand-contact preventing plate from its position covering the sample container disk. Thus, another advantage of the invention is that the moving operation of the sampling disk is inhibited when the sample hand-contact preventing plate is removed from its covering position, and further the probe is protected from being bent by collision against the plate. Neither Yamazaki nor Weyrauch suggests this feature of the invention.

Dependent claims 16-19, respectively dependent from claims 12-15, require the sample hand-contact preventing plate to comprise an electrically conductive material, and to be electrically grounded. An advantage of this feature is that the sampling probe can be shielded against external electrostatic noise, thereby preventing or reducing malfunctions thereof. Yamazaki and Weyrauch do not suggest this feature of the invention, either.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-204).

Respectfully submitted,

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Attachment: Replacement Sheet

COPY

Sheet 1 of 1

FORM PTO-1449 (REV. 7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. KAS-204	SERIAL NO.
LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT K. TAKAHASHI et al	
		FILING DATE April 13, 2004	GROUP

U.S. PATENT DOCUMENTS

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
AL	6-64070	8/22/94	Japan				<input type="checkbox"/>	<input type="checkbox"/>
AM							<input type="checkbox"/>	<input type="checkbox"/>
AN							<input type="checkbox"/>	<input type="checkbox"/>
AO							<input type="checkbox"/>	<input type="checkbox"/>
AP							<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

AR		
AS		
AT		

EXAMINER	DATE CONSIDERED
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.